

COLUSA COUNTY DEPARTMENT OF AGRICULTURE
PESTICIDE USE ENFORCEMENT WORKPLAN
FY 2006/2007

A. Restricted Materials Permitting

Permit Evaluation

Permits for restricted materials (RMP) are issued to the operator of the property to be treated, or documented representative, with a letter of authorization per California Code of Regulations (CCR) Chapter 3, Section 6420. Approximately 90% of permits are scheduled on an appointment basis and more time is allotted if the operator requires the Private Applicator Certification (PAC) test to be taken. The PAC test takes one hour and the permit takes one hour, unless it is a multi-crop permit with employees handling pesticides. The PAC is valid for 3 years and state licensed Agricultural Biologists (AB) will check to ensure they are valid before the permit is issued. There is a determination before issuing a RMP, whether an Operator Identification Number (OIN) will suffice for the material the person wishes to purchase and use, or if he/she needs an RMP. RMP's are issued for a period of one year or less with the expiration date of December 31st of the calendar year in which they are issued. Renewal of annual RMP's begins in mid-December for the following year. RMP's are only given to persons that have a current PAC, or possess a valid Qualified Applicator Certificate (QAC) or Pest Control Advisor (PCA) license from California Department of Pesticide Regulation (DPR). Besides the owner/operator, the permit can be issued to an authorized agent of the operator if there is a signed authorized representative form on file with all signatures applicable. RMP's and OIN's are always entered into the Restricted Material Permit Program (RMPP), a computer program database, printed and signed and growers are then given copies to give to their pesticide dealers and pest control businesses. Pesticide related handouts that are given to the growers are as follows: Notice of Intent (NOI) log and instructions; Colusa County restricted material conditions; Worker Protection Standard (WPS) Requirement check sheet; Pesticide Safety Information Series (PSIS), Series A or N; California restricted materials list; Written Pesticide Training Program forms; leaflets on field worker requirements and applicator requirements; and applicable use report forms that are needed by the operator. The permittees' use report history and whether or not employees handle pesticides are some of the criteria that are considered before issuing the permit. Also signed by the permittee after reading, is a refresher handout of the current laws and regulations in both field worker safety and mixer-loader-applicator areas. A Continuing Education (CE) training session will be held in early December of every year for grower PAC's that need more CE hours to renew their cards. All production agricultural permits are site specific and detailed maps of these sites are reviewed by the AB's for any hazardous areas (human health or environmental). RMP changes that are minor can be handled by phone, but any major changes (new sites, chemicals) will require permittee to sign and receive copies of the amended RMP. Pesticide specific conditions are issued for phenoxy type herbicides, Clincher and Propanil to alleviate drift occurrences to crops such as grapes, prunes, cotton and vine seeds. All RMP applications must have a written pesticide recommendation before an NOI is submitted and application is made. Colusa County Department of Agriculture (CCDA) does not require that recommendations be sent to our office but that they have to be in the possession of the Pest

Control Business (PCB) and/or Operator (PCO) before the NOI is made. PCA's and growers indicate on a recommendation that they have considered feasible, reasonable, and effective mitigation measures before using pesticides. Non-agricultural pesticide permit applications are always entered into the RMPP database in our computers and only completed by AB's. Permits are evaluated to determine if a substantial adverse environmental impact may result. A non-ag permit or NOI is approved or denied by AB's and can be conditioned to mitigate any hazards known to exist. All RMP and NOI denials will be documented and counted in the Pesticide Regulatory Agricultural Monthly Report (PRAMR) for that month along with all other activities under DPR Monthly Report 5. Appropriate mitigation considerations include, but are not limited to, the knowledge of local conditions; pest management guidelines; restricted material hazard chart; pesticide safety information series; local permit conditions; and CCR regulations (including sections 6443 and 6450 through 6489).

The NOI is recorded on the appropriate form and includes required information including, but not limited to: date of intended application; site and permit number; method of application, including dilution; volume per acre; dosage; name of the PCB (if applied by a PCB); and the operator of the property that is using the pesticide. The NOI's can be faxed in, phoned in on the NOI answering machine, submitted in person or emailed in through the internet. These NOI's are transcribed 98% of the time by AB's. The weekend NOI's are taken during the busy season by the AB that is scheduled and on duty. The AB will work a minimum of four hours on weekends in the Pesticide Use Enforcement Program (PUE). NOI's submitted with less than 24 hour prior notice can be approved by the AB if the AB determines that effective control cannot be obtained if the application is delayed, or that 24 hours are not necessary to adequately evaluate the intended application. A 48 hour NOI is required depending on pesticide materials used (i.e. Propanil aerial application) buffer zones or regulations, in order to give the AB's sufficient time to check all sensitive applications and/or allocate acres to operators in specific zones of the county. This determination is noted on the RMP or NOI.

Site Monitoring

There are 5.5 AB's including the assistant agricultural commissioner (AAG) who will log and review approximately 2000 NOI's. In Fiscal Year (FY) 05/06, we met our goal of 5% and completed 7.5 % of the total NOI's submitted to our office with pre-application site inspections completed. We will set a goal of monitoring 6% for FY 06/07 of the production agriculture sites identified in RMPs with NOI's submitted for restricted material applications. We are confident with an additional AB we will attain our goal and more for FY 06/07. Individual site monitoring will include evaluation of the basis for the intended application including toxicity of material; environmental concerns i.e. endangered species; buffer zone areas; ground water protection areas; problem areas identified from previous years; Section 18 registrations; and the written recommendation. All RMP holders with a recorded non-compliance will have a follow-up inspection completed within 30 days to assure compliance. Non-compliance documents are kept in permit holder files to address non-compliance history and increased monitoring needs if a recalcitrant behavior is being exhibited and is documented by inspections and audits.

RESOURCES

County Resources - In FY 05/06, CCDA had approximately 2.3 AB positions assigned to the Pesticide Enforcement Program workload, resulting in a total of 4,630 AB hours. FY 05/06 has seen a new Agricultural Biologist I starting work in May of 2005 but left our county in August of 2005. We had to leave the position unfilled until May of 2006 because of budgetary restraints. This person will need to work along side an AB at all times until they pass the PUE state license exam and has experience enough to be on their own. The AAC spends 30% of staff time in PUE, 3.5 ABIII's spend 35% in PUE and the Pesticide Supervisor ABIII spends 55% of staff time in PUE.

There are no significant changes anticipated in the FY 06/07 workload other than the training period for one AB. Workload expectations for FY 06/07 include: 60 OIN's, 955 RMP's, 30 non-ag permits, a minimum of 2000 NOI's, all of which must be documented, reviewed and approved or denied by the AB.

Strengths

- There are four AB's that are experienced and knowledgeable of local conditions and this will help in reducing the environmental impacts to applications made in the county.
- With a small population in the county, there is a low incidence rate between the ag-urban settings.
- RMP's are issued for one year which will help keep the permittees in line with current regulations and lower the number of noncompliances.
- The use of Geographic Informational System (GIS) for site location maps will be used to replace old hand drawn and aerial maps.

Weaknesses

- In FY 05/06, there were illness investigations that were not finished on time. This will be corrected in FY 06/07 with an accountability check system implemented by the AAC.
- The number of PCB audits was below our goal in FY 05/06. This also will be accounted for with the new check system in FY 06/07.
- There is a lack of manpower during the busy season to be in the field inspecting grower and PCB applications and issuing RMP's, etc. We will address this by adjusting the workload and setting priorities.
- Some RMP's have old pesticides on the permit that are not used anymore by the permittees. This will be updated and corrected.
- The AAC will keep staff on task and on schedule to ensure that our goals are met.

Areas Needing Improvement

- Additional areas for possible review and improvement are non-compliance history documentation, inspection follow-up and worker safety program audits of PAC's looking for sustainable compliance in all cases.
- During the RMP process, the need to review site maps for surrounding hazards and updating to new GIS maps, updates of phone numbers and addresses, assessing the

different pesticide needs for each crop on the RMP and taking extra time working with operators with employees to assure compliance with the worker safety regulations. We will do this by scheduled staff meetings every Monday at 8:00 a.m. during the busy season to review all areas that need addressing and for the AAC to listen to the AB's for their input and adapt the program/schedule if necessary.

Goals and Objectives

CCDA is committed to implementing appropriate measures in this area that ensure a site-monitoring plan that takes into consideration pesticide hazards, local conditions, weather patterns, cropping and field work patterns that are unique with our county. Each day, AB's are scheduled to log NOI's and ensure that all potentially hazardous areas of applications of restricted materials are evaluated and mitigated. AB's will consider the differing pesticide characteristics widely used (i.e. phenoxy herbicides, Propanil, Gramoxone, Roundup, Bolero, Methomyl, Sevin, Pyrethrins, Permethrins, etc.) of the pesticide classes used and its relationship to risks to the environment and human health. Also the AB will review comprehensively the permittees, locations and pesticides used at RMP issuance. AB's will be more in-depth when issuing RMP's with the permittee to help in decreasing noncompliances in the field.

Deliverables

1. CCDA will initiate changes when needed to improve the program throughout the year and ensure that AB's will implement them.
2. Enforce all laws and regulations fairly and follow DPR guidelines with input from the Enforcement Branch Liaison (EBL).
3. Ensure that all Ground Water Protection Areas are tracked for pesticide use and all applicable laws are adhered to.
4. AB's will evaluate all NOI's hazards to avoid adverse environmental impacts.
5. Approve, deny, or condition RMP's as necessary by appointment and as walk-ins.
6. Record and evaluate NOI's for all applicable requirements by AB's.
7. Issue RMP's and review for completeness and accuracy with special emphasis on new GIS mapping for site locations and clean up RMP's by deleting old pesticides not used anymore from the RMP.
8. AAC will twice a year complete ride along evaluations on all AB's to ensure that they are following all of the protocol that is required of them in completing inspections in the field correctly. This will be documented on an in-house form for future corrections, if needed.
9. Address problem areas with training, timelines and follow-up reviews in a timely manner and adapt the PUE workplan to correct these deficiencies on a quarterly basis.

Measure of Success

Periodically evaluate permitting process for deficiencies and change process in certain areas if there is not a quality element present. Achieving Environmental Justice (EJ) and having a transparent pesticide program will show success. Reviewing RMP's, non-compliances, Report Number 5 data, and discussing these with AB's and EBL to make sure environmental and human concerns are considered will be a measure of success. The lack of noncompliances, complaints

and incidents will be a good indicator of a successful program comparing this with FY 05/06 data. Reaching our target goal of 180 inspections for the rice monitoring program assuring water quality protection is also a measure. FY 06/07 review exceeded our goal of 6% NOI pre-application sites inspected and documented.

B. Compliance Monitoring

Comprehensive Inspection Plan

The inspection program evaluation for CCDA reveals that 100% of our grower and PCB Headquarters Safety Inspections are scheduled. The inspections are randomly chosen unless prior history and/or usage dictates reinspection. The scheduled inspections comprise 10% of our total inspection workload. The remaining 90% of our inspection activities are more random and focus on applications/inspections during periods of increased pesticide usage; for example, during fallow/pre-plant sprays, fungicide and insecticides and rice growing season herbicides. Inspections are performed by six AB's during business hours Monday through Friday and from 8:00 a.m. to 12:00 p.m. on weekends. During the busy season (March – July) 80% of the inspections are completed. Audit inspections are done during winter months except for audits that are following a noncompliance issue, illness investigation or drift problem.

Analysis of our inspection activities during the FY 05/06 fiscal year shows that there was an overall 24% non-compliance rate for Use Monitoring Inspections (13% in FY 04/05). Property Operator Inspections had non-compliances 13% of the time (23% in FY 04/05) while PCB's had a 9% non-compliance rate (8% in FY 04/05). Grower Headquarters Safety Inspections had non-compliances 25% of the time (100% in FY 04/05) and PCB's were 100% (50% in FY 04/05) of the time non-compliant.

In FY 06/07 there will be an emphasis to follow-up on the increase in the grower noncompliances by more in-depth training on worker safety requirements at RMP issuance. Increased inspections will be done by AB's to see if the compliance rate has increased in FY 06/07.

Strengths

- RMP's are only issued annually and updated throughout the year when needed by the grower for new crops, sites, and environmental hazards.
- Enforcement districts are assigned unofficially to AB's allowing them to become familiar with pesticide usage, hazardous areas or problem growers, and cropping patterns in those areas so that the AB's will be more able to prevent any hazardous environmental/human health situations.
- Knowledge of experienced AB's for increased compliance monitoring activities at sites near areas identified to be environmentally sensitive such as schools, daycare centers, wildlife areas, greenhouses, residential areas, waterways and sensitive crops.
- An annual review of files effectively identifying non-compliances during the prior year. AAC involvement with AB's on inspections and the quality and consistency of those inspections are also strengths of the CCDA.

Weaknesses

- Getting inspections done when most of the pesticide work is done early in the morning hours before AB's are out of the office.
- The need for AB's to inspect and certify phytosanitary fields during the busy rice season make it difficult to conduct more PUE inspections when they are needed.

Areas Needing Improvement

- Ensuring uniform completion of inspection forms and interpretation of the laws and regulations in the field by AB's.
- Weekly staff meetings will help us in uniformity.
- Increased inspections of PAC pesticide applications to check the compliance rate and continue to monitor them.

Goals or Objectives

CCDA's main goal is to reduce risks to humans and the environment by increasing the level of compliance regarding pesticide laws and regulations. Special focus will be placed on areas of non-compliances identified during property operator headquarters safety inspections. To be in the field at all times of the year when pesticides are being applied to ensure that our compliance monitoring program is effective at discovering violations and correcting them to avoid future noncompliances.

Deliverables

1. Maintain monitoring of agriculture/urban pesticide applications to ensure safety to residences, schools and businesses.
2. Conduct and document 180 rice field waterhold inspections to ensure compliance with water hold requirements of certain pesticides.
3. Schedule staff to accommodate when most rice pesticide applications are made, to ensure worker safety requirements, permit conditions and all application requirements are complied with.
4. When multiple violations are discovered during application inspection activities, headquarters inspections will be performed within 30 days to avoid continued non-compliance.
5. The AAC will perform random "oversight inspections" as the need arises (minimum of twice a year) with all licensed AB's to ensure completeness, accuracy and uniformity with respect to pesticide inspections and filling forms out correctly.

Based on our inspection program evaluation the following inspection goals were determined:

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| PRE-APP | 6% |
| MIX & LOAD | |
| PROP. OPERATORS | 20 |
| BUSINESSES | 28 |
| HDQTRS EMPLOYEE SAFETY | |
| PROP. OPERATORS | 14 |
| BUSINESSES | 4 |
| STRUCTURAL | 1 |
| APPLICATION | |
| PROP. OPERATORS | 20 |
| BUSINESSES | 36 |
| STRUCTURAL | |
| BRANCH I | 1 |
| BRANCH 2 | 1 |
| COMMODITY | 3 |
| FIELD FUM | 2 |
| FIELD WKR SAF | 7 |
| BUSINESS RECORDS | |
| PEST CONTROL | 6 |
| DEALER | 3 |
| ADVISER | 10 |
| WATER HOLD | 180 |

The filling of one position that was vacant will require more training time for the person to be licensed in pesticide enforcement. Management will re-prioritize programs and/or streamline processes until this person is qualified to be on his/her own.

Targeted surveillance activities will be carried out during the Rice Pesticide Program as in past years. In FY 05/06, we conducted 200 water hold inspections which met our goal of 180 inspections. The goal of 180 water hold inspections is for FY 06/07 also. There will be a special emphasis to conduct inspections during the rice season to assure that worker safety requirements are in addition to environmental concerns with water quality, i.e. Bolero, Ordram history.

Targeted inspections will be used to most efficiently focus manpower on areas of the enforcement program to improve compliance within the county and also to allow AB's to use knowledge of areas inspected to protect the environment and human health hazards (schools, residential areas, daycares, businesses).

The ABIII overseeing pesticide programs will completely review all inspection reports and activities of the enforcement personnel. If changes in our scheduling of AB's or pesticide work plan are needed to improve the quality of our plan, it will be implemented. All non-compliances will be tracked and followed upon as required and will be reviewed by the AAC for any compliance or enforcement action.

Measure of Success

A good measure of a comprehensive pesticide inspection plan is the increase of compliance within the county so that the public and its property are protected. A decrease in non-compliances is an effective indicator of success. Striving to increase the effectiveness of our compliance activities by further refining targeted inspection plans may, in the short term, increase the number of non-compliances identified. A decrease in the number of non-compliances found for the FY 06/07 compared to FY 05/06 will be a good measure of the effectiveness of our implemented program changes. The completion of our goals in all areas of inspection will measure success. The lack of complaints/incidences regarding human health and environmentally sensitive areas is also a gauge for the degree of success.

Investigation Response and Reporting

Complaint/Investigation Log

All complaints or incidents received are documented on a complaint form either by clerical staff, AB's or by the AAC and will receive a response immediately to determine severity and that all information needed is given.

An ABIII is assigned each case and reports directly to the AAC. CCDA will assure the use of a Complaint/Investigation Log and make certain that it contains the following information: Date; tracking number or file name; name of the pesticide involved in the episode; location and type of the episode; California Food and Agricultural Code (CFAC) and/or CCR violations found and the date the case was closed.

Investigation Tracking System

The AAC and ABIII will oversee the Investigation Tracking System. The timely initiation and completion of all investigations, priority or non-priority will be assured and all DPR Policies and Guidelines will be utilized.

FY 05/06 year had four illness investigations. Of these, there were circumstances that caused these investigations to take longer than the required 120 days to get the reports to DPR. The doctor's first report of illness was late when received by CCDA, another county had begun the

investigation, and the employee not being available to interview for a long time are the reasons why investigations were not completed on time. There will be changes initiated to ensure accountability of these non-priority investigations that need to be completed within 120 calendar days of Worker Health & Safety assigning a case number.

There will be a review of the California Department of Pesticide Regulations / California Agricultural Commissioners and Sealer's Association / United States Environmental Protection Agency Cooperative Agreement.

All Priority Episodes Investigations will be conducted with the AAC having the lead. There were no priority investigations in FY 05/06. Priority investigations need to be initiated within two days of receiving notification.

Priority investigations need to have a preliminary update to DPR within fifteen days of receipt by the CCDA.

- Extensions can be obtained based on the following criteria:
 1. Injured person is unavailable.
 2. Sample lab analysis may take longer.
 3. Delay in obtaining medical information.
- Pending enforcement action should not delay submission of investigative report. Investigation report and supporting documents goes to DPR's Enforcement Branch (EB) regional office.
- Non-priority Human Effects Episodes.
- Investigation report goes to Worker Health & Safety Branch.

In FY 04/05 there were five complaints logged. These included four environmental effects and one human exposure, resulting in four Agricultural Civil Penalties (ACP) being issued. There were eight complaints received by the CCDA in FY 05/06. Of these, there were three that were human exposure and five that involved environmental drifts. These resulted in six ACP's being issued. If it was a Department of Industrial Relations (DIR) referral, the investigation report goes to DIR.

Investigation reports are sent to the PUE regional office. Requests for information submitted on a request form are honored, unless the investigation is not complete.

Strengths

- With a small staff, the AAC is aware of and oversees all investigations to advise and cooperate with the AB's to ensure a complete and thorough investigation.
- With the ABIII's being experienced, there is increased awareness of local conditions and they have a keener investigative quality about the biologists resulting in more thorough investigations.

Weaknesses

- Keeping the AB's on task to complete the investigation in a timely manner during the busy months of pesticide use in the county sometimes results in slower investigations than required. The AAC will keep a schedule with dates of when investigations were received in the office to assure timely completion.
- The lack of a bilingual person in the office slows down investigations when they are needed to conduct the investigation. We will arrange with the Migrant Office in the county every year to arrange for their bilingual abilities.

Areas Needing Improvement

- The log of investigations kept by the AAC will need to be reviewed more frequently to assure their timely completions.
- The need to review investigations thoroughly by the AAC to maintain quality and in-depth investigations.

Goals and Objectives

To ensure all of the priority and non-priority investigations are completed according to DPR Policy and Guidelines and that they are on time, accurate, identify violations and contain recommendations and justifications for any enforcement actions if taken or not.

Deliverables

1. Timely episode investigation initiation and completion within time limits set by CDPR. There are five ABIII's and the AAC who perform investigations and have training from DPR and are experienced, both in the field and office. A rotation of AB's within the department conducting investigations is used.
2. AB's will use DPR's Investigative Procedures Manual as a resource and assure that the "elements of the violation analysis" are followed.
3. AB's will follow in-house investigative plan in all cases.
4. The AAC is responsible for reviewing all investigations for thorough and complete reports, and approves them for submittal to DPR.

Measure of Success

The lack of deficiencies in our yearly evaluation of our investigations by our EBL is the best measure of a successful investigation program. Using our new accountability check system to assure the timely (within 120 days for nonpriorities and 60 days for priorities) completion and submission of all investigations and complaints will be a new tool to assure success.

C. Enforcement Response

Enforcement Response Evaluation

- Prevention and prompt investigation of pesticide use or misuse, especially when there is a possibility that laws and regulations have been violated.
- There are four ABIII's and the AAC that investigate incidents and put together both compliance and enforcement actions.
- All non-compliances, investigations and enforcement actions are reviewed by the AAC for accuracy, completeness and timeliness. The issuance of any compliance or enforcement action are completed and mailed out to the party by certified mail to assure receipt, signature and future compliance accountability.
- A Pesticide Enforcement Compliance Action Summary is prepared for every ACP that is taken.
- All actions are emailed to the EBL upon completion.
- Most noncompliances consist of worker safety issues, the lack of Personal Protection Equipment (PPE), decontamination station requirements, and training of the employees.
- Weekly, the AB's and the AAC have a staff meeting to discuss recent non-compliances issued and to communicate any problems and solutions to others for training purposes. Appropriate application of enforcement responses in relation to penalties for violations with an increasing level of enforcement action for recurrent violations or recalcitrant violators.
- The fine guidelines and hearing procedural guidelines will be followed and our DPR liaison will review most of the enforcement actions taken. If the action or fine deviates from the guidelines, a Decision Report for justification is written up and sent with the ACP. All actions are reviewed and signed by the Agricultural Commissioner.

Strengths

- Since our county is small, it is easier to keep track of the enforcement actions and its effect on the party to whom they are issued.
- Follow-up of the actions and re-inspections are easily done and kept track of to assure compliance.
- Our office is small, so that on a daily basis, the ABIII and the AAC are in contact with all AB's to stay informed, give advice and updates on any pertinent issues that need attention.
- Most of our AB's have many years of experience in the field and are very knowledgeable of the county's various crops and pesticide uses.

Weaknesses

- When the busy rice season hits, we do not have sufficient AB's to cover all of the county's enforcement needs.
- The office is so busy and short on AB's, so it is difficult to keep on a tight schedule to take actions on non-compliances, especially minor ones, as soon as we should.

Areas Needing Improvement

- Follow-up on violations in a timely manner to assure growers are aware of the seriousness of the violation.
- Organize all of the inspections completed by the AB's and for the AAC to maintain a log of all noncompliances and violations for future enforcement or compliance actions if needed.

Goals and Objectives

The goal of CCDA's enforcement response plan is to improve and protect the public health and property, pesticide worker safety and the environment of the County of Colusa and to do these tasks in a timely and effective manner. All actions taken will be in agreement with the DPR's Enforcement Response Policy.

Deliverables

1. The use of all enforcement tools to correct violations that have occurred.
2. Scheduling of staff meetings each week to review actions that are being taken.
3. Use of the citable sections as a resource for guidance.
4. Prompt and appropriate responses to potential violations and processing of those cases.
5. Application of applicable Enforcement Guidelines set forth by DPR.
6. Assuring the use of Environmental Justice parameters when applying corrective action and keeping a transparent program.

Measure of Success

The success of the county's enforcement response program is best done by looking at the level of compliance for the various businesses that are regulated. Tracking and follow up of non-compliant operators and businesses and seeing corrective action with sustainable compliance in those areas will show successes. Lower numbers of noncompliance and compliance actions needed would indicate a successful program. The protection of human health and the welfare of the environment is seen by the lower number of illness cases and drift incidences in FY 06/07 compared to FY 05/06.